

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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THOMAS L. WILLIAMS,

Plaintiff,

v.

AMERICAN BEST MOTEL, *et al.*,

Defendants.

Case No. 3:23-cv-00401-MMD-CSD

ORDER

*Pro se* Plaintiff Thomas L. Williams filed this lawsuit under 42 U.S.C. § 1983 against a motel, its desk clerk, and the daughter of its owner (collectively, “Defendants”). (ECF No. 1-1.) Before the Court is United States Magistrate Judge Craig S. Denney’s Report and Recommendation (ECF No. 6 (“R&R”)), recommending that the Court grant Williams’ application to proceed *in forma pauperis* (“IFP Application”), but dismiss this case because Defendants are not state actors. Objections to the R&R were due January 23, 2024. (See *id.*) To date, no objections to the R&R have been filed. For this reason, because the Court agrees with Judge Denney’s analysis in the R&R, and as further explained below, the Court adopts the R&R in full.

Because there was no objection, the Court need not conduct *de novo* review, and is satisfied that Judge Denney did not clearly err. See *United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original). Judge Denney first recommends granting Williams’ IFP Application but also recommends that the Court order him to pay an initial, partial filing fee of \$12.86. (ECF No. 6 at 2.) Judge Denney next recommends dismissing this case because Defendants are not state actors subject to suit under Section 1983. (*Id.* at 4-5.) Judge Denney did not clearly err.

1 It is therefore ordered that the Report and Recommendation of United States  
2 Magistrate Judge Craig S. Denney (ECF No. 6) is accepted and adopted in full.

3 It is further ordered that Williams' IFP Application (ECF No. 1) is granted.

4 It is further ordered that Williams' subsequent IFP Application (ECF No. 4) is  
5 denied as moot.

6 It is further ordered that Williams is required to pay, through the Nevada  
7 Department of Corrections, an initial partial filing fee in the amount of \$12.86, within thirty  
8 days.

9 It is further ordered that, thereafter, whenever the amount in Williams' prison  
10 account exceeds \$10, he is required to make monthly payments in the amount of 20  
11 percent of the preceding month's income credited to his account until the full \$350 filing  
12 fee is paid. This is required even though the Court is dismissing this case.


13 The Clerk of Court is directed to send a copy of this order to the attention of Chief  
14 of Inmate Services for the Washoe County Detention Center, 911 E. Parr Blvd., Reno,  
15 NV 89512.

16 The Clerk of Court is further directed to file a copy of the Complaint (ECF No. 1-  
17 1).

18 It is further ordered that this case is dismissed, in its entirety, with prejudice.

19 The Clerk of Court is finally directed to enter judgment accordingly and close this  
20 case.

21 DATED THIS 30<sup>th</sup> Day of January 2024.

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24 MIRANDA M. DU  
25 CHIEF UNITED STATES DISTRICT JUDGE  
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